



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: WALTER BAUMGARTNER ET AL

SERIAL NO.: 09/728,831

FILED: December 1, 2000

FOR: FISHING REELS WITH SPOOL RECEIVING THE
FISHING LINE

GROUP ART UNIT: 3654

EXAMINER: Emmanuel M. Marcelo

ATTY. REFERENCE: BUM001RE/BEU

COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a communication/amendment in the above-identified application.

Small entity status under 37 CFR 1.9 and 1.27 is claimed.
 No additional fee is required.

The fee, if any, has been calculated as shown below:

Fee Basis	Number of Claims After Amendment	Highest Number Previously Paid For	Extra Claims	Small Entity	Full Fee
Total Claims	-	¹ =	³	$\times \$ 9 =$	$\times \$ 18 =$
Independent Claims	-	² =	³	$\times \$ 43 =$	$\times \$ 86 =$
<input type="checkbox"/> First Presentation of Proper Multiple Dependent Claim			+ \$145 =	+ \$290 =	
TOTAL					

¹ If less than 20 enter 20.² If less than 3 enter 3.³ If less than 0 enter 0.

Please charge my Deposit Account Number 02-0200 in the amount of \$ _____. A duplicate copy of this sheet is attached.

A check in the amount of \$ _____ is attached.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, including fees due under 37 CFR 1.16 and 37 CFR 1.17 or credit any overpayment to Deposit Account Number 02-0200. A duplicate copy of this sheet is attached.

Also enclosed is/are: Petition for Extension of Time (2 month)

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JUN 22 2004

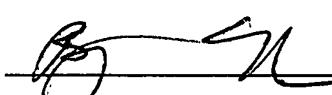
GROUP 3600

23364

Customer Number
Phone: (703) 683-0500

DATE: June 16, 2004

Respectfully submitted,



Benjamin E. Urcia
Attorney for Applicant
Registration Number: 33,805



3654\$
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Attorney Docket No.: JEK/BEU/KUN0002
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of)
D.A.M. Deutsche Angelgeräte)
Manufaktür Hellmuth Kuntze)
GmbH & Co. KG)
for reissue of U.S. Patent No. 5,350,131)
Serial Number: 09/728,831)
Filed: December 1, 2000)
Inventors: Walter Baumgartner)
Dieter Hamann)

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GROUP 3600

For: FISHING REELS WITH A SPOOL RECEIVING THE FISHING LINE

REQUEST FOR RECONSIDERATION

Honorable Commissioner For Patents
Washington, D.C. 20231

Sir:

This paper is in response to the Official Action dated June 26, 2001. A petition for a two-month extension of time together with the appropriate fees accompanies this response so that it is timely filed.

Reconsideration of the application is respectfully requested for the following reasons:

1. Reissue Declaration

A new reissue declaration signed by Joachim Exner, receiver in bankruptcy of the assignee, D.A.M. Deutsche Angelgeräte Manufaktur GmbH (successor to D.A.M. Deutsche Angelgeräte Manufaktur Hellmuth Kuntze GmbH & Co. KG), is attached. The new reissue

declaration corrects the error in identifying the specification to which it is directed, has been sent to the Applicant for execution and will be submitted as soon as it is returned.

2. Request for Interview

An interview has previously been requested and scheduled for June 28, 2004, at 10:00 P.M. During the interview, the undersigned intends to discuss the Examiner's interpretation of the recitation "closer to."

3. Rejection of Claims 1-6 on the Basis that "Closer To" Broadens the Original Patent Claim

The Applicant respectfully traverses the characterization of "closer to" as a broadening amendment. The reason is that the change from "farther from a line . . . which is transverse to the longitudinal direction" to –closer to a line . . . parallel to said longitudinal axis– simply corrects an obvious technical error in the original claim, in order to conform the claim to the specification and drawings. This is precisely the type of error for which the reissue statute was intended.

The effect of the amendment is to give meaning to a limitation that otherwise is meaningless because it is inaccurate. This actually has the effect of **narrowing** the claim.

The Examiner will note from the description of Fig. 6 that line 3-3 is the line which is "coincides with the direction of displacement of the guide part" and is parallel to the longitudinal axis of the spool. The segments of the sidewalls in which the cam stud is located before reversal of the spool displacement direction (indicated by letters B,D) are clearly **closer to** the displacement direction line than are the segments of the sidewalls in which the cam stud is located substantially in end zones of the S formed by the slot (indicated by letters A,C), which were previously recited as the "side positions" of the cam stud.

Basically, the original claim confused the “side positions,” which are actually at ends of the slot, with the “reversing positions,” which are near the longitudinal axis on the sides of the slot. If the side positions are taken to be positions B and D and the reversing positions are taken to be positions A and C, then the claim would be accurate because positions A and C are farther from line 3-3 than positions B and D. However, this is inconsistent with both the specification and the remainder of the claim, which defines the side and reversing positions with respect to the movement of the spool rather than the cam stud. The cam stud reverses position when the cam stud is at positions B and C, and not at ends A and C. Ends A and C, where the cam stud reverses position, are not the reversing positions of the spool.

This confusing but necessary use of the term “reversing position” to describe what are actually positions on the sides of the slot led to the error, in which “farther than” was used in place of “closer to.” The amendment merely corrects this error, so that the reversing positions correctly describe points B,D rather than A,C, which is the only way that the invention can possibly operate given the definitions of reversing positions provided in the remainder of the claim. In fact, given the functional definition of “reversing positions” and the specific recitation of slot structure, the limitations in the paragraph of the claim could even be considered redundant.

Correction of the above-described error cannot possibly have the effect of broadening the claim so that it reads on fishing reels that the original patent claims did not. **In order to operate in the manner claimed, and be consistent with the remainder of the claim, the reversing positions must be closer to line 3-3 than the “side positions” of the cam stud, which are at the end zones of the “S.”** Claim 1 therefore never “read on” fishing reels in which reversing positions were “farther from” line 3-3 than the ends of the S. Instead, to be consistent with the specification and the remainder of the claim, claim 1 could only have been interpreted as reading on fishing reels in which the reversing positions were closer to line 3-3 than the side positions or end zones of the S. As a result, the amendment merely clarifies the recitation of reversing positions, and does not broaden the claim.

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Because the objected-to amendment of claim 1 merely corrects an error in terminology, so that the claim now accurately reflects the positions of the cam stud and sidewalls illustrated in Fig. 6, it is respectfully submitted that the amendments to the claims are proper and withdrawal of the rejection is respectfully requested.

Should the Examiner nevertheless feel that other terminology should be substituted, the Applicant would be willing to make such changes so long as the substituted terminology accurately describes the invention and is consistent with the specification and the remainder of the claim.

Having thus overcome each of the objections and rejections listed in the Official Action, expedited passage of the application to issue is requested.

Respectfully submitted,

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Date: June 16, 2004

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